

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: August 2, 2006

CALLED TO ORDER: 5:40 p.m.

ADJOURNED: 7:45 p.m.

ATTENDANCE

Attending Members

Greg Bowes Acting Chair
Vernon Brown
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman

Absent Members

Mary Moriarty Adams
Scott Schneider

AGENDA

PROPOSAL NO. 338, 2006 - approves a transfer of \$125,000 in the 2006 Budget of the Marion County Public Defender Agency (County General Fund) to allow the agency to hire four (4) full time attorneys to work on cases involving termination of parental rights (TPR) and children in need of services (CHINS)

“Strike”

Vote: 6-0

PROPOSAL NO. 394, 2006 - approves the issuance of one or more series of bonds and notes in an amount not to exceed \$45 million to finance the MECA communications system upgrade and other projects

“Do Pass”

Vote: 5-1

PROPOSAL NO. 395, 2006 - approves a third amendment to the Marion County Sheriff's Department Personnel Retirement Plan

“Do Pass”

Vote: 5-0-1

PROPOSAL NO. 396, 2006 - approves an increase of \$815,988 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to support the Indiana Intelligence Fusion Center, a facility that serves as a link between federal, state and local law enforcement agencies in support of homeland security and counter-terrorism, financed by a federal grant

Do Pass”

Vote: 5-0

PROPOSAL NO. 397, 2006 - approves an increase of \$2,002,973 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grant and Non-Lapsing Federal Grant Funds) to enhance community policing efforts through technology improvements, investigative equipment, Weed & Seed for the West Side and Martindale Brightwood; Gang Resistance Education and Training within Marion County Schools; Community Prosecution and partnerships with the Indiana Coalition Against Sexual Assault and The Julian Center, all financed by federal grants

“Do Pass”

Vote: 5-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, August 2, 2006. Acting Chair Greg Bowes called the meeting to order at 5:40 p.m. with the following members present: Vernon Brown, Sherron Franklin, Lynn McWhirter, William Oliver, and Lincoln Plowman. Absent were Mary Moriarty Adams and Scott Schneider.

PROPOSAL NO. 338, 2006 - approves a transfer of \$125,000 in the 2006 Budget of the Marion County Public Defender Agency (County General Fund) to allow the agency to hire four (4) full time attorneys to work on cases involving termination of parental rights (TPR) and children in need of services (CHINS)

Acting Chair Bowes stated that Dave Cook, Public Defender, asked for Proposal No. 338, to be withdrawn to allow him to work on taking care of this issue some other way.

Councillor Oliver moved, seconded by Councillor Brown, to “Strike” Proposal No. 338, 2006. The motion carried by a vote of 6-0.

PROPOSAL NO. 394, 2006 - approves the issuance of one or more series of bonds and notes in an amount not to exceed \$45 million to finance the MECA communications system upgrade and other projects

Barbara Lawrence, Executive Director of the Indianapolis Bond Bank, gave a presentation on the Metropolitan Emergency Communications Agency, MECA (Exhibit A, on file in the Council office). Some key points are as follows:

- The main project of this proposal is implementation of the system-wide communication system. The current System 1 supports all public safety users and System 2 supports all public service users and serves as a back-up to System 1. Under the new proposed project, both System 1 and System 2 will be on the same communications system.
- The upgrade will include development of several new communication sites, existing towers, and the purchase of more than 6,500 new radios and 82 dispatch consoles. The new system will improve the overall public safety and service communications throughout Indianapolis and Marion County.
- The overall cost of the new communication system will be in the \$37 million range, with six million dollars for warning sirens, one million dollars for firehouse alerting, and one million dollars for a data system upgrade.
- The sources for the funds are: a six million dollar Indianapolis Police Department (IPD) grant, \$39 million dollars in financing proceeds, future grants, and NexTel proceeds.

- The short-term note of five million dollars, which has already been approved, is included in the proposed long-term note of \$45 million.
- The NexTel Rebanding is one of many factors that need to be considered in the MECA financing. The NexTel Rebanding is making a lot of money available to public safety communication systems nation-wide, due to a federal settlement that helped with the interference problem between NexTel and public safety bands.
- The major factor that is facing the MECA financing is a change in the state property tax laws referred to as the circuit breaker. The state legislature imposed a maximum amount of tax any property owner would be required to pay, which would be two percent of the property's assessed value. A taxpayer would be given a credit for property taxes over that two percent limit. This limitation may affect the Bond Bank's ability to maintain its high bond rating, and therefore its ability to obtain favorable interest rates on bonds it issues. In addition, the circuit breaker legislation may make it more difficult to obtain bond insurance. Ms Lawrence explained that the circuit breaker will have an impact on all taxing authorities, because the two percent limitation is a cap on all taxes, no matter the source of the tax.
- Due to these factors, the Bond Bank is proposing to do a series of smaller interim financing, such as commercial paper or a series of Bond Anticipation Notes, in order to move forward with the MECA project.

Councillor Brown asked for clarification on the six million dollars for warning sirens. Jim White, Director of Emergency Management, said the new siren system will have 166 sirens with a five-year maintenance program. He said with the new system the city will have 97% coverage; currently the city has 90% coverage. Mr. White said the new system will be able to set the sirens off only in certain districts, rather than the whole city hearing sirens when it is not necessary. He said the new system will be expandable and upgradeable, so in the future it may be able to accept video and other data collection from the siren sites. Councillor Brown asked how long it will take to complete this project. Mr. White said they have asked for the project to be complete in six months.

Councillor McWhirter asked what the cost of the new maintenance program will be. Mr. White said he is unsure at this time because the maintenance is built into the system but will know more when the request for proposals (RFP) comes back.

Councillor Brown asked if there will be an opportunity for Minority and Women Business Enterprises (MBEs and WBEs) to participate in this project. Ms. Lawrence replied in the affirmative and said they plan to work with the vendors very closely.

Councillor Franklin asked where the \$45 million is coming from, how much it will cost taxpayers, and if taxes will need to be increased to meet the cost of this project. Ms. Lawrence said the \$45 million will be paid by a pledge of property taxes; however they are looking for other funding sources (i.e. grant dollars, NexTel rebanding). She said she believes this project could be under taken with little or no impact on the tax rate. Councillor Franklin asked if MECA has funds that come from Homeland Security that are separate and can be used toward this project. She also stated that she is not comfortable voting on this project before the budget hearings and would like more information. Ms. Lawrence said the majority of Homeland Security dollars will go toward emergency management. She said MECA is funded primarily through the County Option Income Tax (COIT), users' fees, and 911 revenues. Ms. Lawrence said the property tax rate that MECA has is for debt service only. She said she feels comfortable proposing this project in advance of the budget because they have identified a number of revenues that can be used to repay the bonds.

Councillor McWhirter asked when the last upgrade in radios was done. Ms. Lawrence said the MECA system that is currently in place is the original MECA system, which is as old as 16 years.

Acting Chair Bowes asked if there is an easier back-up system that comes with the new system. Ray Raney, Director of MECA, said there is a back-up system built into the new system.

Councillor Plowman asked about the estimated life span of the new system. Mr. Raney said it should last about ten years. Councillor Plowman asked if the upgraded system will include the south side. Mr. Raney said the upgrade is to the entire system.

Councillor Oliver asked if the county will be able to communicate with other counties. Ms. Lawrence replied in the affirmative and said the radios would just need to be programmed on both sides.

Councillor McWhirter moved, seconded by Councillor Brown, to send Proposal No. 394, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-1, with Councillor Franklin casting the negative vote.

PROPOSAL NO. 395, 2006 - approves a third amendment to the Marion County Sheriff's Department Personnel Retirement Plan

Major Ronald Chappell, Marion County Sheriff's Department (MCSD), said state law requires that this proposal be heard by the Council when there is a change in the MCSD pension plan. He said this is the third amendment to the MCSD retirement plan (Exhibit B, attached).

Michael Binder, MCSD attorney for the petition board, said this third amendment is to correct the penalty that a deputy's beneficiary would receive if a plan participant entered

the Deferred Retirement Option Program (DROP) plan and then died in the line of duty. He said one of the concerns regarding the DROP plan is freezing the years of service. Mr. Binder said the MCSD plans have a unique feature that states if someone dies in the line of duty, their beneficiary will automatically benefit from 32 years of service, which is the maximum number of years of service. He said if a deputy enters the DROP plan and died in the line of duty before they retired, their beneficiary would not get the benefit of 32 years of service. Mr. Binder said 2006 legislation was passed that revised MCSD pension law to allow a DROP participant who died in the line of duty to be treated as if s/he never went into the DROP plan. He said there is no cost to this feature because the DROP plan is designed to be cost neutral.

Councillor McWhirter asked for an explanation of Section 5.04 (g), where an employer is terminated because of disability either in the line of duty or other than in the line of duty. Mr. Bindner said this section was already in the plan because it is in the statute.

Acting Chair Bowes asked if this is a proposal that needs to be heard at the committee level and then passed on to the full Council. Major Chappell said he believes this special resolution stays at the committee level because there is no fiscal impact. Elaine Beaty, Vice President of McCready and Keene, Inc., said the statute states that any modification to the petition system requires the approval of the County fiscal body.

Councillor Plowman stated that he will abstain from voting on this proposal because it is related to his full-time employment.

Councillor Brown asked if there is a financial impact on the 2006 budget. Major Chappell replied in the negative.

Councillor Franklin stated that she is uncomfortable voting on this proposal because the General Counsel and Chief Financial Officer are not in attendance.

Councillor McWhirter asked if the MCSD retirement plan is fully funded and no additional money is needed. Major Chappell replied in the affirmative.

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 395, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0-1 with Councillor Plowman abstaining.

PROPOSAL NO. 396, 2006 - approves an increase of \$815,988 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to support the Indiana Intelligence Fusion Center, a facility that serves as a link between federal, state and local law enforcement agencies in support of homeland security and counter-terrorism, financed by a federal grant

Major Monty McKee, with the Indiana State Police, explained the description of the Fusion Center (Exhibit C, attached) and said the fusion center will be a 24-hour, seven-

days-a-week intelligence center that has a goal of bringing multiple agencies into one location. He said information would be shared for the purpose of analyzing the information and generating intelligence projects that can benefit decision makers in public safety. Major McKee said this proposal will enable the Fusion Center to utilize federal grant dollars and manage the money to purchase several items that would be used towards the Fusion Center's initiatives.

Major John Ball, IPD, said the Fusion Center has been identified as a priority need following the September 11 attacks. He said communities in Indiana are partnering with the State Police and Homeland Security to work to get a good understanding to what the threats are in our community. Major Ball said with the implementation of the Fusion Center a number of initiatives have been developed, and some of them will help to integrate the center's technology to share information better.

Councillor Oliver asked how reliable the list of Indiana sites for potential threat is. Major Ball said the list was made up of critical sites in each district and should not be interpreted as terrorist targets.

[Clerk's note: Councillor Sherron Franklin left at 6:58 p.m.]

Councillor Plowman asked if Major McKee is affiliated with the Fusion Center. Major McKee replied in the affirmative and said he is the Executive Director of the Fusion Center. Councillor Plowman asked if the proposed \$815,988 is Marion County's contribution to the center. Major McKee said the proposed money represents some of the 80% funding from the 2004 grant cycle of the Law Enforcement Terrorist Prevention program. Councillor Plowman asked if the money will be needed every year to fund the center. Major McKee replied in the negative and said this particular funding is a one-time event. He said they have some other funding committed to the center's project out of the 2005 grant.

Councillor Oliver asked who would be the person in charge in the event of a crisis. Major McKee said the federal law mandates that the FBI be responsible for criminal investigation of a terrorist event. Major Ball said at the local level, local resources remain in the control of the local authorities. Earl Morgan, Director of the Department of Public Safety, said the chief executive at the local level has the ultimate responsibility. He said the chief executives are the Mayor, Town Council President, or President of Commissioners. Councillor Oliver asked if the Fusion Center applies to those who are responsible at the local level. Mr. Morgan said the center is separate and is used as an intelligence collection, gathering, and sharing tool.

Councillor McWhirter moved, seconded by Councillor Plowman, to send Proposal No. 396, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

PROPOSAL NO. 397, 2006 - approves an increase of \$2,002,973 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grant and Non-Lapsing Federal Grant Funds) to enhance community policing efforts through technology improvements, investigative equipment, Weed & Seed for the West Side and Martindale Brightwood; Gang Resistance Education and Training within Marion County Schools; Community Prosecution and partnerships with the Indiana Coalition Against Sexual Assault and The Julian Center, all financed by federal grants

Liz Allison, Grant Manager for IPD, explained all the grants that are available to IPD (Exhibit D, attached). Some key points of Exhibit D are as follows:

- The Gang Resistance Education and Training (GREAT) grant has been doubled to \$250,000 this year.
- Martindale Brightwood is the latest site that has been recognized as a Weed ‘n Seed, and the grant will be in the amount of \$175,000.
- Project Safe Neighborhoods (PSN) Dangerous Drugs grant of \$25,724 will be used for investigative equipment and supplies.
- The Project Safe Neighborhood (PSN) Gangs grant will have an amendment to it in the future. The amendment is necessary, due to an additional \$35,000 in grant money.
- The grant fund of the Justice Assistance Grant (JAG) continues to decrease, and the amount this year is \$834,625.
- The total amount of grant dollars is \$2,002,973.

Councillor Brown asked for clarification on the purchase of a pole camera. Ms. Allison said the pole camera is portable and will be used for undercover investigations.

Councillor Brown asked if there are specific areas where the PSN Gang grant will be used. Ms. Allison said each district was asked to present small projects in their district, where they identified who they knew or assumed to be gang members, and provided follow-up reports from each project.

Councillor Oliver asked for clarification on the “significant district projects” related to the PSN Gang grant. Ms. Allison said these projects are identified by crime analysis, and a work plan is developed for every district.

Councillor Brown moved, seconded by Councillor Oliver, to send Proposal No. 397, 2006 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 5-0.

Marcia Harris, citizen, spoke on the early release of prisoners and the problem with commissioners' accountability. She said she is concerned with the recent child molester that was released from jail and then molested again. Ms. Harris said her problem lies with the release of prisoners with no-bond holds. She asked if there is a policy or guideline in place for commissioners to follow in the release of prisoners, and what responsibility or oversight is provided by the judges that appoint these commissioners.

Acting Chair Bowes said the judges are aware of the need and are currently working on a policy regarding the release of prisoners. He said the decisions on who is released from jail have to be made by a judge or someone from the judicial branch. Acting Chair Bowes said that as the legislative body, the Council has little say about the daily decisions commissioners and judges handle, but thanked Ms. Harris for her concern and input, noting that we must all be responsible to hold our public officials, including judges and commissioners, responsible for ensuring public safety.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:45 p.m.

Respectfully submitted,

Greg Bowes, Acting Chair
Public Safety and Criminal Justice Committee

GB/as